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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,223	06/21/2002	Lazo Krkobabic	205.540	9621

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New York, NY 10017-5612

EXAMINER

WIEKER, AMANDA FLYNN

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/070,223

Applicant(s)

KRKOBABIC, LAZO

Examiner

Amanda F. Wieker

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, 13 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 9, 12, 13 and 23 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the:

- “tractor power take-off” (claim 5),
- “storage tank” (claim 6),
- “elongate handle” (claim 8) and
- “reservoir” (claim 8)

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. On page 14 of the Substitute Specification, paragraph [0026], Applicant has added a new description of the subject matter of claim 8. Applicant removed the "incorporation by reference" to PCT/AU00/00167, and added language describing a drive gear box, a drive housing, and output shaft. While the Examiner understands that this material appeared in PCT/AU00/00167, which was incorporated by reference in the originally filed application, Applicant was required to submit an affidavit or declaration along with this amendment, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. Applicant has not submitted such an affidavit or declaration.

On page 11 of the Remarks, Applicant states that instead of filing the required affidavit or declaration, Applicant has deleted the incorporation by reference and included a description of the features shown in Figure 15. Applicant states that this added description is based on the application as originally filed.

Absent the presence of an affidavit or declaration this subject matter would constitute new matter because the specification as originally filed did not disclose the added description. Applicant is required to submit such an affidavit or declaration.

### *Claim Objections*

3. Claim 5 is objected to because of the following informalities:

A limitation was removed from claim 5, subsequent to the *Ex parte Quayle* action of 06 May 2003. Actions under *Ex parte Quayle* serve to close prosecution, and as such, the removal of a claim limitation (i.e., the broadening of a claim) is improper. Applicant is required to add the limitation of lines 2-3 ("integrally molded...") back into the claim.

4. Claim 6 is objected to because of the following informalities:

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A limitation was removed from claim 8, subsequent to the *Ex parte Quayle* action of 06 May 2003. Actions under *Ex parte Quayle* serve to close prosecution, and as such, the removal of a claim limitation (i.e., the broadening of a claim) is improper. Applicant is required to add the limitation of lines 6-7 ("a storage tank...") back into the claim.

5. Claim 8 is objected to because of the following informalities:

A limitation was removed from claim 8, subsequent to the *Ex parte Quayle* action of 06 May 2003. Actions under *Ex parte Quayle* serve to close prosecution, and as such, the removal of a claim limitation (i.e., the broadening of a claim) is improper. Applicant is required to add the limitation of lines 23-25 ("a reservoir mounted...") back into the claim.

Appropriate correction is required.

*Allowable Subject Matter*

6. Claims 5-6 and 8 would be allowable if the claim objections noted above are addressed, or the claims cancelled.

7. Claims 1-4, 7, 9, 12-13 and 23 are allowed.

*Conclusion*

8. This application is in condition for allowance except for the above-noted formal matters.

**Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.**

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda F. Wieker whose telephone number is 571-272-4794. The examiner can normally be reached on Monday-Thursday, 7:30 - 5:00 and alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

afw

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